

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1778 OF 2005

1. Rashmi Mashanaji Bonlawar & ors.

Petitioners.

vs.

1. State of Maharashtra & anr.

Respondents

Mr.R.K. Mendadkar with Ms.Helen Koli-Mandlik for the petitioner.

Mr.R.D.Rane,A.G.P. for the respondent no.1.

Ms.Deepa Chavan i/b. M/s.Little & Co. for the respondent no.2.

**CORAM : R. M. LODHA &
R. S. MOHITE,JJ.**

DATED : 22nd March 2005

ORAL ORDER (R.M. Lodha,J.):

Heard the learned counsel for the parties.

2. The issue being short, we issue rule and by consent of the learned counsel, we dispose of the writ petition finally at this stage.

3. The petitioners, thirty one in number, have filed this joint writ petition seeking direction to the respondent no.2-Maharashtra State Examination Council to declare their results for the second and final year of

D.Ed. course examination and release their marksheets.

4. The details of the caste claimed by the petitioners

and the college allotted to them are given below :

<u>Name</u>	<u>Caste claimed</u>	<u>College allotted</u>	<u>1st Year</u>	<u>Result with-</u>	<u>D.Ed.Exam held IInd</u> <u>passed in Year D.Ed.</u> <u>exam.Held in</u>
1.Rashmi Mashnaji Bonlawar	Mannerwarlu	Shivaji Jr.College	March 2002	April- of Edu.Nehru Ng. Solapur.	May 2003
2.Arun Vitthal Adamwad	Mennerwarlu	Govt.Jr.College of	March 2002	April- Edu.(30 No.ST Girls)Godhani Rd.Yawatmal.	May 2003
3.Vadenna Hanmalu Madikuntawar	Mannerwarlu	Jr.College of Edu.	October-2002	October Paranda,Usmanabad.	2003
4.Dnyaneshwar Vishnudas	Koli Mahadeo	M.V.T.Nagpure	D.Ed.March 2002	October College Bond Pipri Chandrapur.	2003
5.Amol Vijayrao Karnewar	Chhatri	Govt.Adyapik Vidya- laya,Vidyanagar Wasmal Nagar, Parbhani.	October 2002	October	2003
6.Ganesh Eknath Rajwad	Koli Mahadeo	Charwar Adyapak Vidyalaya Ahmadpur, Latur.	October 2002	October	2003
7.Balaji Dnyanoba Dappadwad	Mahadeo Koli	District Institute of Edu.& Training Ins.Near Ganesh Oil Mill,Jalna.	April May 2003		October 2003
8.Anjali Manohar Dasare	Mannervarlu	District Edu.& Training Institute Yawatmal.	March 2002	April-	May 2003

9.Santukrao Tukaram Kasewad	Mannervarlu Kai.Mahesh Savarkar	October 2002	October	Periddiwar Adyapak Vidyalaya,Dhanora, Gadchiroli.	2003
10.Ramrao Bhuma Mehatri	Dhangad	Sarswati Adyapak Vidyalaya Mandwa Rd.Kimwat,Nanded	October 2003	April	2004
11.Ananda Balu Wagh Koli.	Hindu Tokare	Nav Bharat Adyapak Vidyalaya,Ramnagar Wardha.	April 2004		November 2004
12.Laxman Baburao Chapale	Koli Mahadeo	Sarswati Adyapak Vidyalaya Mandwa Rd.,Kimwat,Nanded	October 2003	November	2004
13.Vijayalaxmi Yeshwant Dhang	Koli Mahadeo	Vishweshwar Shikshan Prasarak Mandal Jr.College of Edu. Station Rd. Akkalkot,Solapur.	October 2003	November	2004
14.Revansidha Hanamant	Mahadeo Koli	-"	October 2003	November	2004
15.Kamal Gangaram Jamdade	Koli Mahadeo	Govt.Adyapak Vidya- laya(Girls) Near SSC Board,Station Rd. Aurangabad.	April 2004	November	2004
16.Sangeeta Pundlikrao Shilgire	Dhangad	Govt.Adyapak Vidya- laya,Hingoli, Parbhani.	October 2003	November	2004
17.Pandharinath Madhavrao Jajnure	Dhangad	Sarswati Adyapak Vidyalaya, Mandwa Rod.Kimwat,Nanded.	October 2003	November	2004
18.Anil Shankarrao Ramlod	Dhangad	Hari Naik Adyapak Vidyalaya Mantha,Jalna	April-2004	November	2004
19.Renuka Hanmantrao Gorthe	Mannerwarlu	Adyapak Vidyalaya Naldurg,Tal.Tuljapur, Dist.Usmanabad.	October 2003	November	2004
20.Renuka Satatraya Shelke	Mannervarlu	Smt.Sushiladevi Adyapak Vidyalaya (Girls) Barshi Rd. MIDC Latur.	April 2004	November	2004

21.	Chandrakant Mannerwarlu Vishwanath Tadewad	Sarwati Adyapak	October 2003	November	
			Vidyalaya, Mandwa Rd. Kimwat, Nanded.		2004
22.	Sudam Pandurang Ammulwad	Mannerwarlu Sarwati Adyapak	October 2003	November	
			Vidyalaya, Mandwa Rd. Kimwat, Nanded.		2004
23.	Alka Vishwanath Adbalwar	Mannerwarlu	-"	October 2003	November 2004
24.	Shriniwas Sayanna Suduwad	Mannerwarlu Vivekanand Adyapak	April 2004	November	
			Vidyalaya, Bhabulga Dist. Latur.		2004
25.	Linganna Gangadhar Darpwad	Mannerwarlu Sarwati Adyapak	October 2003	November	
			Vidyalaya Mandwa Rd. Kimwat, Nanded.		2004
26.	Shankar Nagorao Palewad	Mannerwarlu	-"	April 2004	November 2004
27.	Venkat Gangadharrao Aanmod	Mannerwarlu Tuljabhavani Jr.	April 2004	November	
			College of Edu. Tuljapur, Dist. Usmanabad.		2004
28.	Sangita Kishanrao Anmulwad	Mannerwarlu Dist. Institute of Edu. & Training, Chikhali Rd. Buldhana.	April 2004	November	
					2004
29.	Sandip Dattatraya Pantoji	Mannerwarlu Dist. Institute of Edu. & Training, Murud, Latur.	October 2003	November	
					2004
30.	Kabirdas Saybu Yadpalwar	Mannerwarlu S.V.S.S. Adyapak	April 2004	November	
			Vidyalaya Vidyanagar, Usmanabad.		2004
31.	Savita Sayyanna Muttepod	Mannerwarlu Rani Laxmibai Mahila Adyapak Vidyalaya Savargad, Narkhed, Dist. Nagpur.	October 2003	November	
					2004

5. It is not in dispute that the aforesaid petitioners were granted admission in the category of Scheduled Tribe for the D.Ed. course. It is also not in dispute

that at the time of their admission to the D.Ed. course the petitioners had obtained caste certificates from the competent Authorities of jurisdiction certifying that they belong to Scheduled Tribe. It is untraversed fact that pursuant to their admission in the D.Ed. course, the petitioners prosecuted their studies; they appeared in the first year of D.Ed. course conducted by the respondent no.2 and all the petitioners successfully cleared the first year of D.Ed. course. The petitioners thereafter prosecuted second and final year of D.Ed. course. It is also undisputed that they were issued hall tickets and they appeared for the examination conducted by the respondent no.2. However, their results are not being declared now on the ground that the petitioners have not got their caste claim verified from the concerned Caste Scrutiny Committee.

6. The learned counsel for the parties fairly stated before us that the controversy raised in the writ petition stands concluded by our order passed on 17th March 2005 in Writ petition No.10678/2004-Pentu Vithalrao Maisanwad & ors. v. State of Maharashtra & ors.

7. In our order passed on 17th March 2005 in the case of Pentu Vithalrao Maisanwad, after noticing the two judgments of the Supreme Court in the cases of

Maharashtra v. Milind & ors., AIR 2001 SC 303 and
R.Vishwanatha Pillai v. State of Kerala & ors., (2004)

2 S.C.C. 105, we held thus:

"In the facts and circumstances of the case already noticed by us hereinabove, no purpose would be served in withholding the declaration of the result on the basis of the D.Ed. final year examination already taken by the petitioners or depriving them of the the marksheet and the diploma if they have passed the examination. Needless to say that the petitioners shall not be entitled to any benefit of scheduled Tribe until verified by the concerned Scrutiny Committee."

8. In the light of the aforesaid order, writ petition
deserves to be disposed of by the following order:

- (i) The Maharashtra State Examination Council (respondent no.2) is directed to declare the result of the petitioners for the second and final year D.Ed. examination within two weeks from today and release their marksheets and also diploma certificates if they had passed the examination.
- (ii) The petitioners, however, shall not be entitled to any benefit of the Scheduled Tribe covered by the Scheduled Tribes Order until their caste claim is duly verified by the competent Caste

Verification Committee.

No costs.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)